

UNIVERSITY OF CALIFORNIA

COLLEGE OF AGRICULTURE

BERKELEY, CALIFORNIA

AGRICULTURAL EXPERIMENT STATION

E. W. HILGARD, DIRECTOR



CIRCULAR.

THE NEW FERTILIZER LAW.

At its last session, the State Legislature passed an Act, given below, concerning commercial fertilizers, to take effect the first day of July of this year.

The object of this law is to provide the purchaser of commercial fertilizers with all the information concerning the various brands which may be presented to him, that may be necessary to enable him to make an intelligent selection of the material desired.

To this end the law requires that every parcel or package of commercial fertilizer, or material used for manurial purposes (excepting the dung of domestic animals), that is sold or offered for sale at a price exceeding \$8, shall be accompanied by a plainly printed label bearing the requisite information. This information is first of all filed by the manufacturer or dealer, under oath, with the Director of the Experiment Station in the form of an affidavit setting forth the composition of the various brands of fertilizers to be sold by him in the State.

When this affidavit has been filed and is accompanied by the necessary license fee, the Secretary of the Board of Regents will issue to such manufacturer or dealer a "Certificate of Registration," bearing a certain number.

It will thus be seen that no person is permitted to offer for sale any fertilizing matter the value of which exceeds \$8 per ton until he shall have first secured this "Certificate of Registration."

The law further requires that each and every package of fertilizer offered for sale shall bear the word "registered" and the *number of registry* in addition to the information as to its composition.

It is to be noted that the law has to do with both the *percentage* of phosphoric acid, nitrogen, and potash in the fertilizer, and the *source* from which the several materials are derived. The manufacturer must state

in his affidavit, and *on the label attached to his fertilizer*, whether the nitrogen present is derived from nitrate of soda, dried blood, fish scrap, tankage, bird guano, etc.; and similarly with reference to both potash and phosphoric acid.

No special form of label is specified in the law, and each manufacturer is at liberty to use what form he may desire, whether it be in the form of a printed tag, or whether it be printed on the bags; provided only that it conveys the information embodied in the following blank:

NAME OF FERTILIZER
MANUFACTURED BY FERTILIZER CO.
PLACE OF MANUFACTURE

(1) The manufacturers guarantee that the contents of the package to which this label is affixed will not fall below the following percentages:

Analysis.

Total Phosphoric Acid %
Available Phosphoric Acid %
Nitrogen %
Potash %

(2) That the sources of the several ingredients are:

Nitrogen
.....
Phosphoric Acid
.....
Potash
.....

It will be seen that this law allows any manufacturer to compound his goods as he sees fit and *to sell what he pleases*, so long as he states what he is going to sell, and sells what he claims on his label. It leaves it entirely in the hands of the purchaser to decide whether or not the materials named as composing the fertilizer suit his case, but makes it incumbent upon the dealer or manufacturer to state clearly the nature of his goods, so that the purchaser may have a perfectly clear idea of the material he is purchasing. It is clear that the manufacturer must file a statement of each brand as often as changes are made in the materials used in its manufacture. In his application for registration the manufacturer may include as many brands as he chooses from the same mixture, or as many mixtures as he chooses under the same name, but in each case the label must truthfully and clearly represent the composition of the material in the package. *Manufacturers can not under this law vary at will the materials used in the mixtures without accounting for such variation.*

For the benefit of the manufacturer it may be said here that at the end of the year it only becomes necessary to renew the registration by a payment of the license fee, and thus the same number may be retained from year to year if so desired. In this way a change of labels may be avoided.

That there may be a check upon the statements made upon the labels accompanying the packages, the law requires the Director of the Experiment Station to take samples of all brands of fertilizers sold in the State and to cause them to be analyzed at least once each year.

It also provides that any purchaser of commercial fertilizer, upon the payment to the University of a nominal fee of two (\$2) dollars, may submit for analysis a sample of the same in accordance with such rules as the Director may prescribe, and that the Director shall report the result of such analysis to the person submitting the sample.

The law further requires that the results of the analyses shall be published for general distribution at least once each year.

The special tonnage fee applies to all materials sold to parties other than dealers, irrespective of the amount sold to anyone purchaser. Affidavits of the amount sold by each dealer are to be filed each quarter with the Secretary of the Board of Regents of the University, and are to be accompanied by the corresponding amount of money at the rate of twenty-five cents per ton. This tonnage fee applies to all "simples" as well as mixed materials, including nitrate of soda, potash salts, plain superphosphate, Thomas slag, tankage, etc., excepting only such materials as sell for less than \$8 per ton.

All blanks for the filing of reports may be had upon application to the Director of the Experiment Station, Berkeley, Cal.

CHAPTER CCXXV.—*An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act.*

[Approved March 20, 1903.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every lot, parcel, or package of commercial fertilizers or materials to be used for manurial purposes (excepting the dung of domestic animals), sold, offered, or exposed for sale, within this State, shall be accompanied by a plainly printed label, stating the name, brand, and trade mark, if any there be, under which the fertilizer is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and a chemical analysis, stating the percentages claimed to be therein ; of nitrogen, specifying the form or forms in which it is present ; of phosphoric acid, available and insoluble ; and of potash, soluble in distilled water, and the materials from which all of said constituents are derived. All analyses are to be made according to the methods agreed upon by

the American Association of Official Agricultural Chemists. In the case of those fertilizers, the selling price of which is less than eight dollars (\$8) per ton, said label need only give a correct general statement of the nature and composition of the fertilizer it accompanies.

SEC. 2. No person shall sell, offer, or expose for sale in this State, any pulverized leather, hair, ground hoofs, horns, or wool waste, raw, steamed, roasted, or in any form as a fertilizer, or as an ingredient of a fertilizer or manure, without an explicit statement of the fact; said statement to be conspicuously affixed to every package of such fertilizer or manure, and to accompany and go with every lot, parcel, or package of the same.

SEC. 3. The manufacturer, importer, agent of, or dealer in any commercial fertilizers, or materials used for manurial purposes, the selling price of which to the consumer is eight (\$8) dollars or more per ton, shall, before the same is offered for sale, obtain a certificate of registration from the Secretary of the Board of Regents of the University of California, countersigned by the Director of the Agricultural Experiment Station of the said University, authorizing the sale of fertilizers in this State, and shall securely fix to each lot, parcel, or package of fertilizer the word "registered" with the number of registry. The manufacturer, importer, agent, or dealer, obtaining such registry, shall pay to the said Secretary the sum of fifty (\$50) dollars, to be applied as provided in section nine of this act; such registration shall expire on the thirtieth day of June of the fiscal year for which it was given; *provided*, the provisions of this section shall not apply to any agent whose principals shall have obtained a certificate of registration as herein provided. Every such manufacturer, importer, agent, or dealer, who makes or sells, or offers for sale, any such substances, under a name or brand, shall file, on or before the first day of July, in each year, a statement, under oath, with said Director, stating such name or brand, and stating the component parts in accordance with the provisions of section one of this act, of the substances to be sold, or offered for sale, or manufactured under each such name or brand.

SEC. 4. The said Director shall annually, on or before the first day of September, take samples in accordance with the provisions of section five hereof of the substance made, sold, or offered for sale, under every such name or brand, and cause analyses to be made thereof in accordance with the provisions of section one hereof, and said analyses may include such other determinations as said Director may at any time deem advisable. Dealers in, or manufacturers of fertilizers, must give free access to the Director of the Agricultural Experiment Station, or his duly authorized deputy, to all the materials which they may place on the market for sale in California. Whenever the analysis certified by the said Director shall show a deficiency of not more than one fourth of one per cent of nitrogen, or one per cent of soluble or available phosphoric acid, or one half of one per cent of potash soluble in distilled water, the statement of the manufacturer or importer, as required in section one of this act, shall not be deemed to be false in the meaning of this act; *provided*, that this act shall not apply to sales of fertilizing materials made to a registered manufacturer of fertilizers, or to sales for export outside of this State; *provided further*, that the said Director of the Agricultural Experiment Station of the University of California shall, upon the receipt of a sample of fertilizer, accompanied with a nominal fee of two (\$2) dollars, furnish to the user of said commercial fertilizer, such examination or analysis of the sample as will substantially establish the conformity or non-conformity of the said fertilizer to the guarantee under which it was sold.

SEC. 5. The Director of the Agricultural Experiment Station of the University of California, in person or by deputy, is hereby authorized to take a sample not

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exceeding two pounds in weight for analysis by the said Director, or his deputies, from any lot, parcel, or package of fertilizer, or material, or mixture of materials used for manurial purposes, which may be in the possession of any manufacturer, importer, agent, or dealer, but said sample shall be drawn in the presence of said party or parties in interest, or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or, if less than ten packages are present, all shall be sampled; in lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the said Director or his deputy making such inspection, and by the party or parties in interest, or their representatives present at the drawing and sealing of said samples. One of said duplicate samples shall be retained by the party whose stock was sampled, and the other by the Director of the Agricultural Experiment Station of the University of California.

SEC. 6. The Director of the Agricultural Experiment Station of the University of California shall publish in bulletin form, from time to time, at least annually, the results of the analysis hereinbefore provided, with such additional information as circumstances may advise.

SEC. 7. There is hereby appropriated for the use of the Agricultural Experiment Station of the University of California at Berkeley, Alameda County, as set forth in this act, out of any moneys in the treasury not otherwise appropriated, the sum of eighteen hundred (\$1,800) dollars for the equipment of a laboratory, with the chemicals and apparatus, and other incidentals necessary to the successful prosecution of the work.

SEC. 8. In order to further provide for the necessary expenses of this work, there shall be paid by the manufacturer, importer, agent, or dealer, twenty-five cents for every ton of fertilizer sold, the selling price of which to the consumer is eight (\$8) dollars or more per ton. A statement sworn to by the manufacturer, importer, agent, or dealer, of such sales, shall be rendered quarterly to the Secretary of the Board of Regents of the University of California, accompanied by the corresponding amount of the special license fee as above specified; *provided*, that whenever the manufacturer or importer shall have paid the special license fee herein required, for any person acting as agent or seller for such manufacturer or importer, such agent or seller shall not be required to pay the special license fee named in this section. On receipt of said special license fee and statement, the said Secretary shall issue to the manufacturer, importer, agent, or dealer, a certificate of compliance with this section.


SEC. 9. All moneys, whether received from registry and analytical fees or special license fees, shall be paid to the Secretary of the Board of Regents of the University of California, for the use of said board in carrying out the provisions of this act.

SEC. 10. Any party selling, offering, or exposing for sale, any commercial fertilizer without the statement required by section one of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is actually contained therein, except as provided for in section four, or respecting the sale of which all the provisions of this act have not been fully complied with, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in a sum not less than fifty (\$50) dollars and costs of action for the

first offense, and one hundred (\$100) dollars and costs of the action for each subsequent offense. Said fines to be paid into the school fund of the county in which conviction is had.

SEC. 11. In any action, civil or criminal, in any court in this State, a certificate under the hand of said Director, and the seal of said University, stating the results of any analysis, purporting to have been made under the provisions of this act, shall be prima facie evidence of the fact that the sample or samples mentioned in said analysis or certificate were properly analyzed as in this act provided; that such samples were taken as in this act provided; that the substances analyzed contained the component parts stated in such certificate and analysis; and that the samples were taken from the parcels or packages or lots mentioned or described in said certificate.

SEC. 12. This act shall take effect and be in force from and after July first, nineteen hundred and three.



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